

CCC:EWS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

MATTHEW BELANGER,

Defendant.

-----X

EASTERN DISTRICT OF NEW YORK, SS:

John Neas, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, ("FBI") duly appointed according to law and acting as such.

On or about June 8, 2022, the United States District Court for the District of Hawaii issued an arrest warrant commanding the arrest of the defendant MATTHEW BELANGER, in connection with a complaint charging the defendant and others with violations of Title 18, United States Code, Sections 922(a)(6) (False Statement in Purchase of a Firearm), 924(a)(1)(A) (False Statements to Firearms Dealer), 2 (Aiding and Abetting) and 371 (Conspiracy).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about June 8, 2022, the United States District Court for the District of Hawaii issued an arrest warrant commanding the arrest of the defendant MATTHEW BELANGER, in connection a complaint charging the defendant and others with violations of Title


¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

AFFIDAVIT IN SUPPORT
OF REMOVAL TO THE
DISTRICT OF
HAWAII

(Fed. R. Crim. P. 5)

22mj631

WHEREFORE, your deponent respectfully requests that the defendant MATTHEW BELANGER be removed to the District of Hawaii so that she may be dealt with according to law.



John Neas
Special Agent
Federal Bureau of Investigation

Sworn to before me this
10th day of June, 2022

151 Anne Y. Shields

THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Hawaii

United States of America
v.

MATTHEW BELANGER

Defendant(s)

Case No.

Mag. No. 22-1003 KJM

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Jun 08, 2022, 9:47 am
Pam Hartman Beyer, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April & May 2020 in the county of Honolulu in the
District of Hawaii & Elsewhere, the defendant(s) violated:*Code Section*18 U.S.C. §§ 2, 371, 922(a)(6), and
924(a)(1)(A)*Offense Description*Aiding and abetting the making of a false statement to a federal firearm
licensee that was material to the lawfulness of the sale of a firearm and
pertained to information required to be kept by the licensee in connection with
purchase of firearm; Conspiring to do same.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.
Complainant's signatureSteel Stewart, FBI Special Agent
Printed name and titleSworn to under oath before me telephonically,
and attestation acknowledged pursuant to
Fed. R. Crim. P. 4.1(b)(2).

Date: June 8, 2022 at 9:38 a.m.

City and state: Honolulu, Hawaii


Kenneth J. Mansfield
United States Magistrate JudgeSEALED
BY ORDER OF THE COURT

information required to be kept by the licensee, in connection with the purchase of a firearm, in the District of Hawaii and elsewhere, during in or about April and May 2020, in violation of 18 U.S.C. §§ 2, 371, 922(a)(6), and 924(a)(1)(A).

2. I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) since September 2019. During my training at the FBI Academy in Quantico, Virginia, I received instruction in a variety of investigative and legal matters, including the drafting of criminal complaint affidavits and requisite probable cause. I am presently assigned to the Joint Terrorism Task Force – Pacific (“JTTF-P”), where I work a variety of criminal and national security matters including international and domestic terrorism. I have utilized court-authorized search warrants, conducted physical surveillance, and interviewed subjects and witnesses. As a federal agent, I am authorized to investigate violations of the laws of the United States, and I am a law enforcement officer with the authority to execute search and arrest warrants under the authority of the United States. Due to my training and experience as an FBI Special Agent, I am familiar with the United States Criminal Code.

3. The information in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, law enforcement personnel, and witnesses. This affidavit is intended to

(“Long Account”) and Facebook UID 10004698874831 with display name Craven Moorehead (“Moorhead Account”) were created and are owned by BELANGER. In addition, during an October 20, 2020 interview by FBI agents and other law enforcement, BELANGER confirmed both the Long Account and Moorhead Account belonged to him.

7. On or about November 23, 2020, FBI served a search warrant issued in District of Hawaii Mag. No. 20-1397 WRP on Facebook, Inc. for BELANGER’s Long and Moorhead Accounts. Review of the two accounts confirmed BELANGER’s ownership and use of the accounts.

First Strawman Purchase of Firearm

8. A review of the Long Account revealed communications between BELANGER and associates about a plan by BELANGER to use a police officer in the State of New York (“Officer”) to purchase firearms for BELANGER. On or about December 23, 2018, BELANGER engaged in the following discussion with associates in a Facebook direct message group:

BELANGER: “https://www.atlanticfirearms.com/products/ptr-gi-308-rifle-w-o-rail_”

BELANGER: *emoji of big eyes

ASSOCIATE #1: *emoji of big eyes

ASSOCIATE #2: “Gonna have to wait till out of state for that”

BELANGER: "Like 99 percent."

BELANGER: "So I essentially got my gun plug."

BELANGER: "It's the best I could offer you guys atm [known to stand for 'at the moment' in this context]"

BELANGER: "If shtf [known to stand for 'shit hits the fan' in this context] or shit seems like it's about to do it he might just say fuck it"

Based on the substance and context of the above communications, as well as my training and experience, I believe that BELANGER's use of the term "gun plug" is intended to mean his use of Officer to make a strawman purchase of a firearm for BELANGER; his use of "safe act" is intended to refer to the New York Safe Act, which specifies requirements for gun purchases in the State of New York; and his use of "ptr91" is intended to refer to the firearm he is seeking to acquire with the assistance of Officer.

10. On April 4, 2019, utilizing his Long Account, BELANGER engaged in a discussion regarding the legality of high-capacity rifle magazines, during which he stated to an associate, "You're in dire need of an upgrade. So am I though so my ptr91 is gonna be here before we know it. I'll have the gun plug get me a battle rifle cucking all of New York in the process."

the bank. So if I tighten my coffers a bit for a few months I can both save money and get what I wanted.”

Relative: “So buy the gun when you come home.”

BELANGER: “It won’t be there when I’m there. That’s the problem.”

BELANGER: “The whole point of my purchasing it now was so when I get home I can go to the range with my friends.”

Relative: “If you get yourself in a hole its very hard to get out.”

Relative: “And how do you think you gonna pay [Officer] back”

BELANGER: “200 bucks give or take every paycheck. I’d basically be giving him disposable income from my check.”

Relative: “What about money to live and survive when you are not home? I’m your [relative] I worry about things like this”

BELANGER: “[] lol, I don’t pay rent and food is ‘free’ here.”

BELANGER: “It’s not like living in the civilian world.”

Relative: “Then if that’s the case you should have a ton of money in the bank that you were saving this whole time...lol Pooge!!!!”

BELANGER: I’ve been buying the last of the gear I need, plus RA killed me.”

BELANGER: “But I’m not doing ra”

16. On August 2, 2019, BELANGER and Officer discussed via text messaging payment for the purchase of the PTR91 rifle:

Officer: "I sent a request, If cashapp works, send what you want when you want."

BELANGER: "Okay, just paid. Let me know if it goes through"

Officer: "Yes looks good thanks"

BELANGER: "Good, I'll periodically pay when I can."

Officer: "Sounds good thanks"

17. BELANGER's Cash App account was analyzed as part of FBI's digital review of BELANGER's cell phone. (Cash App is a service provided by the financial company Square that allows users to send and receive money using digital devices.) Between August 2, 2019 and June 19, 2020, BELANGER made multiple payments to Officer in increments of \$25, \$50, \$100, \$125, \$150, \$500, \$975, and \$1,175. Some payments included the notation "For gun."

Charged Second Strawman Purchase of Firearm

18. On April 10, 2020, BELANGER and Officer discussed via text messaging BELANGER's desire to purchase another firearm:

BELANGER: "<https://www.gunbroker.com/item/864999964>"

BELANGER: "I think I wanna buy this"

Officer: "Better you than me"

Officer: "Buy it now for 900? You know fees etc?"

BELANGER: "Yes, let me know the total"

Officer: "935 money order, 25 Fred's, you can get the money order and send it and just send me Fred's 25"

Officer: "Or cash app me 975"

Officer: "Just cash app 965 total"

BELANGER: "I'll just cash app"

BELANGER: "Done"

Officer: "K"

BELANGER: "It's a little beat up, but nothing I cant fix. And it's all cosmetic 'damage' getting that for 900 was a steal"

Officer: "K good"

21. During the course of this investigation, I have determined that "Fred's Gun Shop" is a federal firearm licensee that engages in retail sales of firearms to the public, and is located in Port Jefferson Station, New York, which is the municipality in which Officer resides and works.

22. Data from BELANGER's cell phone demonstrates that on April 21, 2020, BELANGER sent \$975 via Cash App to Officer.

23. A review of data from BELANGER's Long Account revealed that on April 21, 2020, the Facebook account was active via IP addresses 173.198.66.69,

27. During an October 20, 2020 interview by FBI agents and other law enforcement, BELANGER stated that he owned two firearms, which he described as a bolt action rifle and a Remington Model 870 tactical express shotgun. He stated that the two firearms were stored at a relative's residence in Selden, New York. BELANGER confirmed he had access to more weapons, some of which he said would be illegal for him to own in New York, through Officer. BELANGER never mentioned the PTR assault rifle or the Lugar-style pistol that he purchased using Officer as a strawman.

28. FBI has obtained from Fred's Gun Shop the Bureau of Alcohol, Tabaco, Firearms and Explosives (ATF) Form 4473s, entitled Firearms Transaction Record, completed and signed by Officer when he purchased for BELANGER the PTR91 rifle on or about June 22, 2019 and the Lugar-style pistol on or about May 20, 2020. The Form 4473 is required by law to be completed by the buyer of a firearm from a federal firearm licensee, and the federal firearm licensee is required by law to keep the Form 4473 in its records. Question 11.a on the Form 4473 reads, "Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.**" (bold in

direction of BELANGER and Officer had already accepted payment from BELANGER for the firearm prior to completing the Form 4473.

30. By signing each of the Form 4473s, Officer certified as follows:

I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering “yes” to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers “yes” to any of the questions 11.b. through 11.i and/or 12.b. through 12.c. is prohibited from purchasing or receiving a firearm. I understand that a person who answers “yes” to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers “yes” to question 12.d.2. and provides the documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

(bold and italics in original).

31. According to the USMC, BELANGER was discharged under Other Than Honorable conditions for Misconduct (Serious Offense), specifically for dissident/extremist activity from the USMC on or about May 10, 2021. According to commercial databases, upon discharge from the USMC on May 10, 2021, BELANGER returned to his relative’s home in Selden, New York.

32. Based on the foregoing, probable cause exists to believe that in the District of Hawaii and elsewhere, during in or about April and May 2020,

EXHIBIT B